PBS MACNEIL-LEHRER REPORT
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ALLAN RYAN JR. (Justice Department): It is a principle of democracy and the rule of law that justice delayed is justice denied. If we are to be true to that principle, and we ought to be true to it, we cannot pretend that it applies only within our borders and nowhere else. We have delayed justice in Lyon.

MACNEIL: Good evening. Thirty-eight years after the end of World War II, the United States formally admitted today that its agents helped alleged Nazi war criminal Klaus Barbie escape prosecution. Barbie was the wartime head of the Gestapo in the French city of Lyon and was wanted by the French on charges of mass murder and other crimes. In a report of more than 200 pages released today, the Justice Department said officers of the U.S. Army Counter-Intelligence Corps engaged in obstruction of justice by concealing Barbie from U.S. civilian authorities. It called the actions incomprehensible and shameful. The report said the intelligence corps recruited Barbie as a spy against the Soviets, unaware that he was wanted as a war criminal but later helped him to escape to South America. The Reagan administration confirmed late today that it has apologized to the French government. Tonight, the Barbie case with the man who conducted the Justice Department investigation, the man who ran a counterintelligence unit in Germany when Barbie was in U.S. control and an American Jewish leader unsatisfied by the government's investigation. Jim?

LEHRER: Robin, there are both general and specific charges against Klaus Barbie, the so-called Butcher of Lyon. The sweeping one is that he had a direct hand in the deaths of more than 4,000 French Jews and members of the French resistance, and that as head of the Gestapo in Lyon, France, from 1942 to '44 he sent 7,000 more persons, mostly Jews, to concentration camps. The specifics include locking 100 teen-agers in their school and then burning and dynamiting it, personally torturing prisoners, some to death, with kicks, beatings and ice water, ordering hundreds of Jews onto trains and then refusing them food or water--thus, intentionally killing them all. In the confusion after the war, Barbie escaped France to Germany, where, according to today's Justice Department report, he worked for American intelligence, providing information on the Soveit Union and on communists in Germany. In 1951, with the heat on from France to find Barbie and prosecute him for his Lyon crimes, U.S. agents helped him escape through Austria to Genoa, Italy, then on a ship to South America. For the next 31 years he lived mostly in Bolivia as Klaus Altman, a businessman. He was found and identified by the French and others 12 years ago, but it wasn't until last year that a new Democratic government in Bolivia arrested him and expelled him to France, where now, 69 years old, he awaits trial for what he is accused of doing in Lyon 40 years ago. The Justice Department investigation of U.S. involvement in the Barbie affair began last March under the direction of Allan\Ryan\Jr., director of the Justice Department Office of Special Investigations, who issued today's report. Mr. Ryan, let's go through your basic conclusions first. And you believe that the use of Barbie by U.S. intelligence officers as an agent right after the war was justified, or at least defensible, and understandable. RYAN: I think it was defensible, and I wanna correct something that was, ah, Robin said a few minutes ago. I did not call that incomprehensible and shameful. I said some people would find it incomprehensible and shameful. Others would find it a very necessary response to the forces that were, ah, at work in Germany after the war. My own conclusion is that, ah, the Army officers, in 1947 when Barbie was recruited, were not aware that he was wanted by the French on war crimes charges. They were not aware of the charges that were listed a moment ago.

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And, ah, I found that, ah, based on that, that their decision to, to employ him and rely on him was at least defensible, even if it was not the only defensible choice that was available.

LEHRER: All right. Let's move to the second stage. When there was information about, when information did come to life from the French as to what the charges were against Barbie and your investigation revealed that U.S. officers did know that and did shield him from the French, correct? RYAN: Yes.

LEHRER: Now, what is your conclusion about that? RYAN: Well, my conclusion was that, that, ah, when the State Department in Germany, the high commission for Germany HI-COG received a, the request from the French government for the extradition of Klau Barbie, it asked the Army forces in Europe if, ah....

LEHRER: This was what, about 19.... RYAN: This is 19, ah, ah, 50 at this point.

LEHRER: 1950. RYAN: The State Department did not know the name Klaus Barbie. They asked the Army. The Army said, 'We, ah, used to employ him, but we don't anymore, an we don't know where he is.' And at the time that information was simply false, because the Army was employing him and continued to employ him until February, 1951.

LEHRER: Now, how, what would be your conclusion there? RYAN: My, my conclusion there is that the, ah, officers who, who, ah, represented that to HI-COG, knowing it to be false and knowing that HI-COG was seeking to rule on the extradition request, committed an obstruction of justice under United States law.

LEHRER: All right. Now we move to the third stage, and that was helping Barbie get out of Europe and into South America. What's your conclusion there? RYAN: Well, my conclusion there is that that is a continuation of the obstruction of justice. It's the culmination of, of the process that was begun when, when the, Army shielded him. By removing him to South America they ensured that the French would not be able to apprehend him and put him on trial. And so, ah, it's certainly a more dramatic episode, but it's really the culmination of the obstruction of justice in this case.

LEHRER: You talked, of course, to many of the people who were involved in that. Wha was the reason, what reasons did they give for having done this? RYAN: Well, I wann say first of all that in fairness to the other guests tonight, Mr. Kolb, who was in the Army at that time. He would not be implicated in the obstruction of justice, because he was down in Augsburg, working with Barbie, and the representations to the State Department were made by the headquarters staff in Stuttgart, and those people, think the, the, ah, feeling was really more of insensitivity than anything else. Their feeling was that to turn Barbie over to the State Department and thus, to the French, would compromise intelligence operations in Germany, would turn over a very sensitive resource, namely Klaus Barbie, to the French and that they felt that that would jeopardize what they were doing in Germany. And I don't think there was really any thought given to the fact that by misrepresenting the truth to the State Department they were in fact committing an obstruction of justice.

LEHRER: Did you find any evidence that any of the officers in the Army intelligence corp that were involved in this series of things from 1950 on did so specifically to protect a Nazi war criminal from being found and prosecuted? RYAN: No, they were, they were seeking to protect an American intelligence informant. When, when Barbie was recruited in 1947, the French, the, ah, the Army had no knowledge of the French charges, and when those charges were, were made known to them in 1950, their response

was to protect this very valuable asset, if you will, and protect their own operations. There was certainly no sympathy for Nazi war crimes or Nazism.

LEHRER: Do you feel that any of the people involved in any of this chain of events should now be publicly prosecuted, condemned, otherwise censured? RYAN: Prosecution is not possible because the statute of limitations has expired. The decision, as I said in the report, to recruit and use Barbie in 1947, I think, is a defensible one. I don't think it was cynical. I don't think it was corrupt. I think there's a very strong argument that can be made on the other side that we ought to have had nothing to do with the Gestapo in any way, shape or form. But there's a strong argument that we were facing a new adversary and that we needed the resources that were available. And I, I, I think that it would be unfair now to villify those officers for that decision, even though you or I or anyone else might have made the opposite decision had we been there. We were not there. I do not think one can defend the action that amounted to obstructing justice. I think that the Army had an obligation to be truthful to the State Department. I think that although their concerns were, were strong ones it does not excuse the fact that they lied to the State Department and interfered with the, with the administration of the law.

LERHER: Thank you. Robin?

MACNEIL: Now to an officer who was directly involved in the Barbie matter. Eugene\Kolb was chief of operations for the U.S. Army Counter-Intelligence Corps in the Augsburg region of Germany from early 1949 to late 1950. Mr. Kolb is now retired and lives in Maine. He joins us tonight from Public Station WNEG in Portland, and th picture, so you don't need to adjust your set, is in black and white. Mr. Kolb, ah, what was exactly your connection with Barbie? KOLB: Well, as chief of operations in the Augsburg region, I supervised, directed and controlled those American agents who in turn controlled people such as Barbie, German agents as well as non-America, other non-American personnel.

MACNEIL: Did, did, you meet him yourself? KOLB: I met him myself oh, on several occasions.

MACNEIL: Why was he valuable to U.S. intelligence? KOLB: Again, I think Mr. Ryan pointed out some of this that this was the height of the Cold War and around 1947, 1948 we were assigned brand-new and very difficult targets to penetrate, operations t pursue, and the kind of American personnel that we had were, for the most part, with some exceptions, not very well qualified for this kind of operation. You desperately needed ah, non-American personnel with some experience, with a background with the skills required and who appeared at the time to us to be relatively clean, shall we say, in terms of their political background.

MACNEIL: Were you, were you involved in Barbie's escape to South America? KOLB: No I was not. That was after my time.

MACNEIL: That was after your time. You know of it and approved of it, did you? KOLB: I knew of it, and, ah, oh, looking back... Well, as Mr. Ryan put it neatly, I think legally it was probably indefensible. From our standpoint, ah, I think it was necessary, and that's for not so much to protect an asset but far more that Barbie, during his tenure, had done a very effective job of recruiting some informants for us from within the German Communist Party, as well as some other neo-Nazi right-wing groups. And we were fairly certain and knowing the character of the French intelligence and security services at that time, and let me stress at that time, that

French intelligence had been fairly well penetrated by Communist Party members and Soviet officials. And we were very, very fearful that their first priority, as far a interrogation of Barbie was concerned, would be to interrogate him about our operations, about the sources he had recruited, and that would have blown these operations, blown the sources and indeed in the context of the late '40s, probably th life of these sources, because it was notorious that some people simply disappeared t the other side of the Iron Curtain, so to speak. That was our real concern.

MACNEIL: Looking.... KOLB: And that, I'm sure, was the real concern of those peopl who effected his, shall we say, escape to South America.

MACNEIL: How high up did that go, that kind of decision making? Are you aware? KOLB: At the, ah, as far as the escape is concerned I am quite certain it must have gone higher than our own headquarters. Certainly our headquarters in Stuttgart at th time, but I'm certain the way things were run at that time it must have gone higher. At the very least I would think the European command, the military command, and I would not be surprised if it had gone even to civilian officials over there.

MACNEIL: Looking back on it--it's more than 30 years now--how do you feel about it now? KOLB: A sense of, that it's difficult to understand it in the context of 1983. The bind that we were in, in terms of the intelligence missions that we were assigned the difficulty of covering those intelligence missions, the fact, the hard fact that at that time there were no charges of war crimes or anything of this sort levied against Barbie and the fact that, ah, what we knew about French intelligence, all of that makes me feel, ah, well, certainly not very confident that we made the right decision but a little uneasy certainly today, at the very least. But it still was in the context of the time, is that was the decision.

MACNEIL: Well, thank you. We'll come back. The Justice Department does not satisfy a number of American Jewish leaders. One of them is Julius\Berman, chairman of the Conference of Presidents of Major American Jewish Organizations. Mr. Berman is also an attorney in a New York law firm. Mr. Berman, what's your overall reaction to the report? BERMAN: Well, my reaction, essentially, is that I'm pleased with the fact that there is a report. By that I mean that the United States has the gumption to si down in light of these charges and investigate and, and disclose to the world what th facts were. However, I do have substantial problems with the conclusions in the report.

MACNEIL: What are your problems? BERMAN: Well, basically, as I see it, I think, an I think you touched on it, Robin, in one of your questions to Mr. Cole. The decision-making process. You have the impression, from everything I've heard, that within the Counter-Intelligence Corps, which essentially at that time was one-issue oriented to get counter-intelligence, they were making decisions that involve a panoply of issues: how important it, the, the intelligence operation that they're, they're looking for? How sure are they that Mr. Barbie will get it? Are there any alternatives? What happens, if disclosed, to our relationship with, with our allies such as France? And, of course in, in the fight for the hearts and minds of the people throughout the world, what happens when it's disclosed, as is now evident? And, and therefore I, I do believe that the decision-making process was clearly at fault, and someone who has such issues on their desk should be the one that ultimatel makes that kind of decision. After all is said and done, I still haven't heard how terribly important it was to get the information we were talking about. And more important, whether Klaus Barbie was the only one they could get it from.

MACNEIL: But you're talking about decisions made in the past. What is your problem with the report about those decisions? BERMAN: Well, the suggestion in the conclusion was that, you know, that it's 30 years ago, it's maybe a little hindsight. You can say that about what happened 40 years ago, also. I believe that the report, while it reflects and discloses that defect, does not suggest in its conçlusion that there is such a defect. And the, and the ulitmate irony is the, the factual conclusion that our people did not know who Barbie was. There's is, you know, you mentioned I'm a lawyer. We know there's, there's knowledge and there's reckless disregard of the truth. To suggest...

MACNEIL: You're saying they did know, or somebody did. BERMAN: I'm saying that if they didn't know, they didn't want to know, and that's virtually as bad.

MACNEIL: Do you think the inquiry should stop here, or there are further steps that should be taken? BERMAN: I, I believe that of course we've overlooked what to me is a very, very moral issue, is that whether we can use such people for whatever purposes. And then, of course, you get involved with alternatives, and in that context, they suggest--concluded by Mr. Ryan this evening that if they had to do it over again he could just as well see that it might be doable--I think reflects a problem we have in our own analysis of the right and wrong. With respect to the report itself, I don't think it should be put to bed. I think the conclusions have t be developed, discussed, debated, and the government eventually has to make an ultimate decision as to what types of policies they will use in the future. And just like with Watergate, I believe despite the fact there's no criminal charges involved, as Mr. Ryan says, that we still have to flush out the facts to, to disclose so that w will learn for the future.

MACNEIL: You don't think enough of the facts have come out yet, is that it? BERMAN: Yes.

MACNEIL: Thank you. Jim?

LEHRER: Are there more facts to, to come out, Mr. Ryan? RYAN: There are no more facts to come out about Klaus Barbie. Now, there is much that can be said, and I think Mr. Berman is right, that these issues ought to be debated and, and discussed, and so forth. But I, there are no more facts about Klaus Barbie in the United States government. I, I made sure of that in my report.

LERHER: Were you given unlimited access to... RYAN: Yes.

LEHRER: ...everything in the goverment? RYAN: Yes.

LEHRER: Everything the goverment had? RYAN: Yes. Yes. We made it quite clear that this was a Department of Justice investigation, it was not Allan Ryan investigating, it was the Department of Justice. We expected to receive cooperation; we did receive it.

LEHRER: So, when you sat down to draw your conclusions, you felt you had all the information that was... RYAN: Yes.

LEHRER: ...it was able to get. RYAN: Yes.

LEHRER: All right. What about Mr. Berman's basic point about who made this decision and the decision-making process. Can you take us through, can you answer that

question on who ultimately decided it was all right to help Barbie get out of the country, and the decision before that to obstruct justice, to use your term? RYAN: Well, there were, there were so many decisions made along the way. The decision, the first decision in 1947 to recruit him and to use him as a informant, with all respect to Mr. Berman, he's simply not correct that this amounted to a reckless disregard of what was known. These facts were not known beyond the French government. The French had not, the French had, had investigated Lyon after the war, but their files, their charges and so forth were not made available to the Americans. The personnel files and the information that was available to the Americans indicated that Barbie was a counter-intelligence officer. Now, that situation later changed, but in 1947 that wa the state of knowledge. And as I say, those decisions were...

LEHRER: Sure. Well, let's get into the, to the serious ones about when once, once th United States agents or the U.S. agents did know about what the French charges were, and then the decision to obstruct justice, and then the decison to help the man go to south... Who actually made that decision? RYAN: They were made at what I would call normal operating levels of the Counter-Intelligence Corps in Germany. That is the, the, the commanding officer of the Counter-Intellignece Corps and his staff, the liason with the high command, which was the European command that Mr. Kolb mentioned, and similar units in, in Austria.

LEHRER: It didn't come back to Washington, didn't come to high civilian authority? RYAN: Not as far as we know, no, no. There are, there are, the records on that particular episode are not quite complete. But I, I am fairly confident in saying that it was done at a normal operating level. It was considered disposal of a, of an intelligence resource, and it was handled as any other disposal would be. And I thin that is part of the problem, that there was an insensitivity and a, and a, the fact that, that an American agency was looking for this man was, was simply not considered as I think it should have been. So the fact that it was made at normal operating levels is perhaps part of the problem, as Mr. Berman point out.

LEHRER: Yeah. Mr. Kolb, would you agree with that, that that was not the place, at the operating level is not the place where this decision should have been made? KOLB If that is really the case. I'm still not convinced of it, and I, as Mr. Ryan has indicated, the files are rather incomplete at that point.

LEHRER: Why don't... KOLB: I don't really know what went on between our headquarters and higher levels, as I only dealt with headquarters. But the impressio I got was that there was a good deal of hanky-panky at higher levels, and I doubt...

LEHRER: What do you mean by, escuse me, what do you mean by that, sir? KOLB: Covering up. That some people today are not willing to admit the role that they playe in the Barbie case. And that's even true of our own CIC people, regrettably.

LERHER: Well, wait a minute, let's ask Mr. Ryan. You talked to them, did you have the feeling that some folks just were, were there anybody, was there anybody who either would not talk to you, or when they did talk to you, you had either a feeling either in your bones, or based on the record that they were just, they weren't leveling with you? RYAN: There, there was nobody who refused to talk to us. Many o the people involved, of course, are dead. Everyone agreed to talk to us. I think by and large, most of them were, were fairly candid. But we are talking about events that happened 35 or more...

LEHRER: Sure. RYAN: ...years ago, and I think memories are not the best indicator here.

LERHER: Was there, was there a paper trail? Was this thing... RYAN: Yes. There's a, there's avery very strong paper trail and the, and the report relies almost entirely on the paper trail as opposed to the memories and recollections of witnesses after 35 years.

LERHER: Mr. Kolb? KOLB: Yes.

LEHRER: You, you heard what Mr. Ryan says, there's a paper trail, and he followed it as far as he could go. KOLB: Yes, yes, but let me put it this way, I know that a good deal of the discussions that took place between myself at the Augsburg headquarters, and a good deal of discussion that took place between headquarters and some higher level which I don't know about were not always committed to paper. A lot of it was telephone conversations.

LEHRER: Un hum. Mr. Berman, what do you say in response to Mr. Ryan's answer to you concern about the, what the U.S. agents knew about Klaus Barbie when they first hired him on in 1947. BERMAN: I think Mr. Kolb hit, hit it on the head. First of all, th paper trial is the easiest thing to detect, and it's the easiest thing to use as a cover-up. And Mr. Kolby, Mr. Kolb, suggested that there may be much more to it that really was not put on paper, and intentionally. But what I, what is critical, when I say a reckless disregard of the truth I do not mean they knew and they looked the other way. I mean it's difficult for me to believe that the United States Army Intelligence, even in the the 1940s, if they're going to hire somebody or retain somebody, make an employee of somebody, can't push the appropriate buttons and ascertain the information. Go to the French; go to the Germans. Find out, rather than finding out later that, that they're dealing with somebody such as Barbie and then tw years later being stuck with him because they're going to embarrassed to the world, and therefore spirit him out to Bolivia.

LEHRER: I see. Robin?

MACNEIL: Mr. Ryan, let's come closer to the present time. Does your report not also indicate that as late as the middle '60s the U.S. Army Counter-Intelligent Corps wanted to use Barbie again, knowing he was in South America, but was talked out of it by the CIA? RYAN: Yes. The Army considered the possibility. They discussed it wit the CIA. The CIA said it would not be a very good step, and the Army simply withdrew its, its consideration. I don't think it ever got to the point where they formally requested him. Certainly they never contacted him.

MACNEIL: But the... RYAN: But that thought, that thought did surface in the '60s.

MACNEIL: But the thought surfaced long after it was known what the charges against Barbie were, and who he was. RYAN: Yes.

MACNEIL: Yes. What is your reaction to that, Mr. Berman? BERMAN: Well, I think, Robin, I think you touched on something. Because with all the discussion, both in the report and this evening, I'm not really clear whether there would have been any difference had they known everything that they know now. From everything I've heard as to the rationale why they used him, why they needed him, this, that and the other thing, I haven't heard anything that's to suggest that if they knew it they wouldn't have done it, and it would've been wrong if they did do it.

MACNEIL: What is your comment on that, Mr. Kolb? KOLB: Again, Mr. Berman forgets th context of the late 1940s. As far as... I believe that the French authorities themselves did not know about these so-called atrocities, war crimes, etc. What the French wanted him for, to my understanding, was interrogation for the purpose of identifying and possibly serving as a witness against French collaborators and French traitors--nothing to do whatsoever with war crimes. And he asks us to investigate. We should have investigated these people. But we certainly did to our best of our ability. But to do that and to go across borders in 1947, '48, '49, '50, was an utterly impossible task.

MACNEIL: Mr. Ryan, the point Mr. Berman raised a little earlier that what this shows is that some study should be done, or something should be looked into in the decison-making process in U.S. intelligence and the kinds of things it feels permitte to do. Does your study of this case suggest to you that there should be more rigorous, a more rigorous inquiry in that direction, if as late as the middle '60s this sort of thing was being considered again? RYAN: Well, I think you have to remember, too, that the, our notions about the intelligence community and the proper role of intelligence gathering in American government have undergone tremendous chang in the last 10 years. And I think generally changed for the better. There's, there' much more recognition of the fact that intelligence agencies ought to be accountable for their actions, that, that it is not possible to justify everything imaginable under the cloak of intelligence. I think what we're looking at here in the Barbie situation is, is a, a, perhaps a moment in time, if you will. I'm not at all sure that this is the same course that would have been followed at least in, in 1983.

MACNEIL: Our time is up. Thank you Mr. Kolb for joining us in Portland, Maine. Mr. Ryan in Washington, Mr. Berman in New York. Good night, Jim.

LEHRER: Good night, Robin.

MACNEIL: That's all for tonight. We will be back tomorrow night. I'm Robin MacNeil, good night.